



**UNITED STATES DEPARTMENT OF COMMERCE
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T.P

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/129,238	08/05/98	SARDOY	V 4101-0206-55

022850 IM22/1004
OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT
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EXAMINER

YEE, D

ART UNIT	PAPER NUMBER
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1742

15

DATE MAILED:

10/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
09/129,238Applicant(s)
Sardoy et al.Examiner
Deborah YeeGroup Art Unit
1742**THE PERIOD FOR RESPONSE: [check only a) or b)]**

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☒ Appellant's Brief is due two months from the date of the Notice of Appeal filed on Sep 16, 1900 (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Sep 26, 1900 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☐ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
 - ☐ will not be entered because:
 - ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s): _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment.
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):
- Claims allowed: _____
- Claims objected to: _____
- Claims rejected: 8-20

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☒ ~~other~~ Attachment

Art Unit: 1742

Response to Arguments

1. Applicant's arguments filed 9-26-00 have been fully considered but they are not persuasive. It is the examiner's position that EP'834 , lines 1-10 on page 8 discloses a preferred coiling temperature of 530C or less which overlaps applicant's claimed coiling temperature of 530-570C. Hence claims do not patentably differ from the prior art. Moreover applicant's coiling temperature of 530 to 570C fails to define patentably novelty over EP'834 whose broad coiling temperature ranges is 400 to 600C, since there is nothing to show that it is critical or that it involves anything more than judicious selection; note that while applicant's specification indicates that 530 to 570C is preferred, a broad coiling temperature of 450 to 620C is permissible, see line 14 on page 21 .


DEBORAH YEE
PRIMARY EXAMINER